

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**FARNAZ FAYE JAMALI, M.D.**

**Physician's and Surgeon's  
Certificate No. G81063**

**Respondent**

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**Case No. 800-2016-023679**

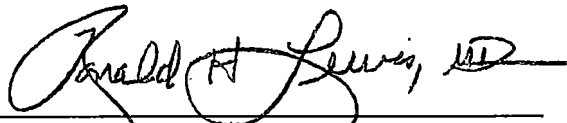
**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on July 5, 2019.**

**IT IS SO ORDERED: June 7, 2019.**

**MEDICAL BOARD OF CALIFORNIA**



**Ronald H. Lewis, Chair  
Panel A**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
3 GREG W. CHAMBERS  
Deputy Attorney General  
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*Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-023679

13 **FARNAZ FAYE JAMALI, M.D.**  
14 **1 Coach Road**  
**Mill Valley, CA 94941-4320**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **Physician's and Surgeon's Certificate No. G**  
16 **81063**

17 Respondent.

18  
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
20 interest and the responsibility of the Medical Board of California of the Department of Consumer  
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
22 which will be submitted to the Board for approval and adoption as the final disposition of the  
23 Accusation.

24 **PARTIES**

25 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
26 of California (Board). She brought this action solely in her official capacity and is represented in  
27 this matter by Xavier Becerra, Attorney General of the State of California, by Greg W. Chambers,  
28 Deputy Attorney General.

2. Respondent Farnaz Faye Jamali, M.D. (Respondent) is represented in this proceeding by attorney Adam Glen Slote, whose address is: One Embarcadero Center, Suite 400 San Francisco, CA 94111.

3. On or about April 26, 1995, the Board issued Physician's and Surgeon's Certificate No. G 81063 to Farnaz Faye Jamali, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2016-023679, and will expire on October 31, 2020, unless renewed.

## JURISDICTION

4. Accusation No: 800-2016-023679 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 2, 2019. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 800-2016-023679 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2016-023679. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 CULPABILITY

2 9. Respondent does not contest that, at an administrative hearing, complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation  
4 No. 800-2016-023679 and that she has thereby subjected her license to disciplinary action.

5 10. Respondent agrees that if she ever petitions for early termination or modification of  
6 probation, or if the Board ever petitions for revocation of probation, all of the charges and  
7 allegations contained in Accusation No. 800-2016-023679 shall be deemed true, correct and fully  
8 admitted by Respondent for purposes of that proceeding or any other licensing proceeding  
9 involving respondent in the State of California.

10 CONTINGENCY

11 11. This stipulation shall be subject to approval by the Medical Board of California.  
12 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
13 Board of California may communicate directly with the Board regarding this stipulation and  
14 settlement, without notice to or participation by Respondent or her counsel. By signing the  
15 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
16 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
17 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
18 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
19 action between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
22 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
23 signatures thereto, shall have the same force and effect as the originals.

24 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
25 the Board may, without further notice or formal proceeding, issue and enter the following  
26 Disciplinary Order:

27 DISCIPLINARY ORDER

28 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 81063 issued

1 to Respondent Farnaz Faye Jamali, M.D. is revoked. However, the revocation is stayed and  
2 Respondent is placed on probation for six (6) years on the following terms and conditions.

3 1. CONTROLLED SUBSTANCES - PARTIAL RESTRICTION. Respondent shall not  
4 order, prescribe, dispense, administer, furnish, or possess any controlled substances as defined by  
5 the California Uniform Controlled Substances Act, except for those drugs listed in Schedule V of  
6 the Act.

7 Respondent shall not issue an oral or written recommendation or approval to a patient or a  
8 patient's primary caregiver for the possession or cultivation of marijuana for the personal medical  
9 purposes of the patient within the meaning of Health and Safety Code section 11362.5. If  
10 Respondent forms the medical opinion, after an appropriate prior examination and medical  
11 indication, that a patient's medical condition may benefit from the use of marijuana, Respondent  
12 shall so inform the patient and shall refer the patient to another physician who, following an  
13 appropriate prior examination and medical indication, may independently issue a medically  
14 appropriate recommendation or approval for the possession or cultivation of marijuana for the  
15 personal medical purposes of the patient within the meaning of Health and Safety Code section  
16 11362.5. In addition, Respondent shall inform the patient or the patient's primary caregiver that  
17 Respondent is prohibited from issuing a recommendation or approval for the possession or  
18 cultivation of marijuana for the personal medical purposes of the patient and that the patient or  
19 the patient's primary caregiver may not rely on Respondent's statements to legally possess or  
20 cultivate marijuana for the personal medical purposes of the patient. Respondent shall fully  
21 document in the patient's chart that the patient or the patient's primary caregiver was so  
22 informed. Nothing in this condition prohibits Respondent from providing the patient or the  
23 patient's primary caregiver information about the possible medical benefits resulting from the use  
24 of marijuana.

25 2. CONTROLLED SUBSTANCES - ABSTAIN FROM USE. Respondent shall abstain  
26 completely from the personal use or possession of controlled substances as defined in the  
27 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
28 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not

1 apply to medications lawfully prescribed to Respondent by another practitioner for a bona fide  
2 illness or condition.

3 Within fifteen (15) calendar days of receiving any lawfully prescribed medications,  
4 Respondent shall notify the Board or its designee of the: issuing practitioner's name, address, and  
5 telephone number; medication name, strength, and quantity; and issuing pharmacy name, address,  
6 and telephone number.

7 3. ALCOHOL - ABSTAIN FROM USE. Respondent shall abstain completely from the  
8 use of products or beverages containing alcohol.

9 4. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within sixty (60) calendar  
10 days of the effective date of this Decision, Respondent shall enroll in a professionalism program,  
11 that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358.1.  
12 Respondent shall participate in and successfully complete that program. Respondent shall  
13 provide any information and documents that the program may deem pertinent. Respondent shall  
14 successfully complete the classroom component of the program not later than six (6) months after  
15 Respondent's initial enrollment, and the longitudinal component of the program not later than the  
16 time specified by the program, but no later than one (1) year after attending the classroom  
17 component. The professionalism program shall be at Respondent's expense and shall be in  
18 addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

19 A professionalism program taken after the acts that gave rise to the charges in the  
20 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
21 or its designee, be accepted towards the fulfillment of this condition if the program would have  
22 been approved by the Board or its designee had the program been taken after the effective date of  
23 this Decision.

24 Respondent shall submit a certification of successful completion to the Board or its  
25 designee not later than fifteen (15) calendar days after successfully completing the program or not  
26 later than fifteen (15) calendar days after the effective date of the Decision, whichever is later.

27 5. PSYCHOTHERAPY. Within sixty (60) calendar days of the effective date of this  
28 Decision, Respondent shall submit to the Board or its designee for prior approval the name and

1 qualifications of a California-licensed board certified psychiatrist or a licensed psychologist who  
2 has a doctoral degree in psychology and at least five years of postgraduate experience in the  
3 diagnosis and treatment of emotional and mental disorders. Upon approval, Respondent shall  
4 undergo and continue psychotherapy treatment, including any modifications to the frequency of  
5 psychotherapy, until the Board or its designee deems that no further psychotherapy is necessary.

6 The psychotherapist shall consider any information provided by the Board or its designee  
7 and any other information the psychotherapist deems relevant and shall furnish a written  
8 evaluation report to the Board or its designee. Respondent shall cooperate in providing the  
9 psychotherapist with any information and documents that the psychotherapist may deem  
10 pertinent.

11 Respondent shall have the treating psychotherapist submit quarterly status reports to the  
12 Board or its designee. The Board or its designee may require Respondent to undergo psychiatric  
13 evaluations by a Board-appointed board certified psychiatrist. If, prior to the completion of  
14 probation, Respondent is found to be mentally unfit to resume the practice of medicine without  
15 restrictions, the Board shall retain continuing jurisdiction over Respondent's license and the  
16 period of probation shall be extended until the Board determines that Respondent is mentally fit  
17 to resume the practice of medicine without restrictions.

18 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

19 6. NOTICE OF EMPLOYER OR SUPERVISOR INFORMATION. Within seven (7)  
20 days of the effective date of this Decision, Respondent shall provide to the Board the names,  
21 physical addresses, mailing addresses, and telephone numbers of any and all employers and  
22 supervisors. Respondent shall also provide specific, written consent for the Board, Respondent's  
23 worksite monitor, and Respondent's employers and supervisors to communicate regarding  
24 Respondent's work status, performance, and monitoring.

25 For purposes of this section, "supervisors" shall include the Chief of Staff and Health or  
26 Well Being Committee Chair, or equivalent, if applicable, when the Respondent has medical staff  
27 privileges.

28 7. BIOLOGICAL FLUID TESTING. Respondent shall immediately submit to

1 biological fluid testing, at Respondent's expense, upon request of the Board or its designee.  
2 "Biological fluid testing" may include, but is not limited to, urine, blood, breathalyzer, hair  
3 follicle testing, or similar drug screening approved by the Board or its designee. Respondent shall  
4 make daily contact with the Board or its designee to determine whether biological fluid testing is  
5 required. Respondent shall be tested on the date of the notification as directed by the Board or its  
6 designee. The Board may order a Respondent to undergo a biological fluid test on any day, at  
7 any time, including weekends and holidays. Except when testing on a specific date as ordered by  
8 the Board or its designee, the scheduling of biological fluid testing shall be done on a random  
9 basis. The cost of biological fluid testing shall be borne by the Respondent.

10 During the first year of probation, Respondent shall be subject to fifty-two (52) to one  
11 hundred and four (104) random tests. During the second year of probation and for the duration of  
12 the probationary term, up to five (5) years, Respondent shall be subject to thirty-six (36) to one  
13 hundred and four (104) random tests per year. Only if there has been no positive biological fluid  
14 tests in the previous five (5) consecutive years of probation, may testing be reduced to one (1)  
15 time per month. Nothing precludes the Board from increasing the number of random tests to the  
16 first-year level of frequency for any reason.

17 Prior to practicing medicine, Respondent shall contract with a laboratory or service,  
18 approved in advance by the Board or its designee, that will conduct random, unannounced,  
19 observed, biological fluid testing and meets all of the following standards:

20 (a) Its specimen collectors are either certified by the Drug and Alcohol Testing Industry  
21 Association or have completed the training required to serve as a collector for the United  
22 States Department of Transportation.

23 (b) Its specimen collectors conform to the current United States Department of  
24 Transportation Specimen Collection Guidelines.

25 (c) Its testing locations comply with the Urine Specimen Collection Guidelines published  
26 by the United States Department of Transportation without regard to the type of test  
27 administered.

28 (d) Its specimen collectors observe the collection of testing specimens.



1 (e) Its laboratories are certified and accredited by the United States Department of Health  
2 and Human Services.

3 (f) Its testing locations shall submit a specimen to a laboratory within one (1) business day  
4 of receipt and all specimens collected shall be handled pursuant to chain of custody  
5 procedures. The laboratory shall process and analyze the specimens and provide legally  
6 defensible test results to the Board within seven (7) business days of receipt of the  
7 specimen. The Board will be notified of non-negative results within one (1) business day  
8 and will be notified of negative test results within seven (7) business days.

9 (g) Its testing locations possess all the materials, equipment, and technical expertise  
10 necessary in order to test Respondent on any day of the week.

11 (h) Its testing locations are able to scientifically test for urine, blood, and hair specimens  
12 for the detection of alcohol and illegal and controlled substances.

13 (i) It maintains testing sites located throughout California.

14 (j) It maintains an automated 24-hour toll-free telephone system and/or a secure on-line  
15 computer database that allows the Respondent to check in daily for testing.

16 (k) It maintains a secure, HIPAA-compliant website or computer system that allows staff  
17 access to drug test results and compliance reporting information that is available 24 hours a  
18 day.

19 (l) It employs or contracts with toxicologists that are licensed physicians and have  
20 knowledge of substance abuse disorders and the appropriate medical training to interpret  
21 and evaluate laboratory biological fluid test results, medical histories, and any other  
22 information relevant to biomedical information.

23 (m) It will not consider a toxicology screen to be negative if a positive result is obtained  
24 while practicing, even if the Respondent holds a valid prescription for the substance.

25 Prior to changing testing locations for any reason, including during vacation or other travel,  
26 alternative testing locations must be approved by the Board and meet the requirements above.

27 The contract shall require that the laboratory directly notify the Board or its designee of  
28 non-negative results within one (1) business day and negative test results within seven (7)

1 business days of the results becoming available. Respondent shall maintain this laboratory or  
2 service contract during the period of probation.

3 A certified copy of any laboratory test result may be received in evidence in any  
4 proceedings between the Board and Respondent.

5 If a biological fluid test result indicates Respondent has used, consumed, ingested, or  
6 administered to himself or herself a prohibited substance, the Board shall order Respondent to  
7 cease practice and instruct Respondent to leave any place of work where Respondent is practicing  
8 medicine or providing medical services. The Board shall immediately notify all of Respondent's  
9 employers, supervisors and work monitors, if any, that Respondent may not practice medicine or  
10 provide medical services while the cease-practice order is in effect.

11 A biological fluid test will not be considered negative if a positive result is obtained while  
12 practicing, even if the practitioner holds a valid prescription for the substance. If no prohibited  
13 substance use exists, the Board shall lift the cease-practice order within one (1) business day.

14 After the issuance of a cease-practice order, the Board shall determine whether the positive  
15 biological fluid test is in fact evidence of prohibited substance use by consulting with the  
16 specimen collector and the laboratory, communicating with the licensee, his or her treating  
17 physician(s), other health care provider, or group facilitator, as applicable.

18 For purposes of this condition, the terms "biological fluid testing" and "testing" mean the  
19 acquisition and chemical analysis of a Respondent's urine, blood, breath, or hair.

20 For purposes of this condition, the term "prohibited substance" means an illegal drug, a  
21 lawful drug not prescribed or ordered by an appropriately licensed health care provider for use by  
22 Respondent and approved by the Board, alcohol, or any other substance the Respondent has been  
23 instructed by the Board not to use, consume, ingest, or administer to himself or herself.

24 If the Board confirms that a positive biological fluid test is evidence of use of a prohibited  
25 substance, Respondent has committed a major violation, as defined in section 1361.52(a), and the  
26 Board shall impose any or all of the consequences set forth in section 1361.52(b), in addition to  
27 any other terms or conditions the Board determines are necessary for public protection or to  
28 enhance Respondent's rehabilitation.

1           8.    SUBSTANCE ABUSE SUPPORT GROUP MEETINGS. Within thirty (30) days of  
2 the effective date of this Decision, Respondent shall submit to the Board or its designee, for its  
3 prior approval, the name of a substance abuse support group which he or she shall attend for the  
4 duration of probation. Respondent shall attend substance abuse support group meetings at least  
5 once per week, or as ordered by the Board or its designee. Respondent shall pay all substance  
6 abuse support group meeting costs.

7           The facilitator of the substance abuse support group meeting shall have a minimum of three  
8 (3) years experience in the treatment and rehabilitation of substance abuse, and shall be licensed  
9 or certified by the state or nationally certified organizations. The facilitator shall not have a  
10 current or former financial, personal, or business relationship with Respondent within the last five  
11 (5) years. Respondent's previous participation in a substance abuse group support meeting led by  
12 the same facilitator does not constitute a prohibited current or former financial, personal, or  
13 business relationship.

14           The facilitator shall provide a signed document to the Board or its designee showing  
15 Respondent's name, the group name, the date and location of the meeting, Respondent's  
16 attendance, and Respondent's level of participation and progress. The facilitator shall report any  
17 unexcused absence by Respondent from any substance abuse support group meeting to the Board,  
18 or its designee, within twenty-four (24) hours of the unexcused absence.

19           9.    WORKSITE MONITOR FOR SUBSTANCE-ABUSING LICENSEE. Within thirty  
20 (30) calendar days of the effective date of this Decision, Respondent shall submit to the Board or  
21 its designee for prior approval as a worksite monitor, the name and qualifications of one or more  
22 licensed physician and surgeon, other licensed health care professional if no physician and  
23 surgeon is available, or, as approved by the Board or its designee, a person in a position of  
24 authority who is capable of monitoring the Respondent at work.

25           The worksite monitor shall not have a current or former financial, personal, or familial  
26 relationship with Respondent, or any other relationship that could reasonably be expected to  
27 compromise the ability of the monitor to render impartial and unbiased reports to the Board or its  
28 designee. If it is impractical for anyone but Respondent's employer to serve as the worksite

1 monitor, this requirement may be waived by the Board or its designee, however, under no  
2 circumstances shall Respondent's worksite monitor be an employee or supervisee of the licensee.

3 The worksite monitor shall have an active unrestricted license with no disciplinary action  
4 within the last five (5) years, and shall sign an affirmation that he or she has reviewed the terms  
5 and conditions of Respondent's disciplinary order and agrees to monitor Respondent as set forth  
6 by the Board or its designee.

7 Respondent shall pay all worksite monitoring costs.

8 The worksite monitor shall have face-to-face contact with Respondent in the work  
9 environment on as frequent a basis as determined by the Board or its designee, but not less than  
10 three times per week; interview other staff in the office regarding Respondent's behavior, if  
11 requested by the Board or its designee; and review Respondent's work attendance.

12 The worksite monitor shall verbally report any suspected substance abuse to the Board and  
13 Respondent's employer or supervisor within one (1) business day of occurrence. If the suspected  
14 substance abuse does not occur during the Board's normal business hours, the verbal report shall  
15 be made to the Board or its designee within one (1) hour of the next business day. A written  
16 report that includes the date, time, and location of the suspected abuse; Respondent's actions; and  
17 any other information deemed important by the worksite monitor shall be submitted to the Board  
18 or its designee within forty-eight (48) hours of the occurrence.

19 The worksite monitor shall complete and submit a written report monthly or as directed by  
20 the Board or its designee which shall include the following: (1) Respondent's name and  
21 Physician's and Surgeon's Certificate number; (2) the worksite monitor's name and signature; (3)  
22 the worksite monitor's license number, if applicable; (4) the location or location(s) of the  
23 worksite; (5) the dates Respondent had face-to-face contact with the worksite monitor; (6) the  
24 names of worksite staff interviewed, if applicable; (7) a report of Respondent's work attendance;  
25 (8) any change in Respondent's behavior and/or personal habits; and (9) any indicators that can  
26 lead to suspected substance abuse by Respondent. Respondent shall complete any required  
27 consent forms and execute agreements with the approved worksite monitor and the Board, or its  
28 designee, authorizing the Board, or its designee, and worksite monitor to exchange information.

1 If the worksite monitor resigns or is no longer available, Respondent shall, within five (5)  
2 calendar days of such resignation or unavailability, submit to the Board or its designee, for prior  
3 approval, the name and qualifications of a replacement monitor who will be assuming that  
4 responsibility within fifteen (15) calendar days. If Respondent fails to obtain approval of a  
5 replacement monitor within sixty (60) calendar days of the resignation or unavailability of the  
6 monitor, Respondent shall receive a notification from the Board or its designee to cease the  
7 practice of medicine within three (3) calendar days after being so notified. Respondent shall  
8 cease the practice of medicine until a replacement monitor is approved and assumes monitoring  
9 responsibility.

10 10. VIOLATION OF PROBATION CONDITION FOR SUBSTANCE ABUSING  
11 LICENSEES. Failure to fully comply with any term or condition of probation is a violation of  
12 probation.

13 A. If Respondent commits a major violation of probation as defined by section  
14 1361.52, subdivision (a), of Title 16 of the California Code of Regulations, the Board shall take  
15 one or more of the following actions:

16 (1) Issue an immediate cease-practice order and order Respondent to undergo a clinical  
17 diagnostic evaluation to be conducted in accordance with section 1361.5, subdivision (c)(1), of  
18 Title 16 of the California Code of Regulations, at Respondent's expense. The cease-practice  
19 order issued by the Board or its designee shall state that Respondent must test negative for at least  
20 a month of continuous biological fluid testing before being allowed to resume practice. For  
21 purposes of determining the length of time a Respondent must test negative while undergoing  
22 continuous biological fluid testing following issuance of a cease-practice order, a month is  
23 defined as thirty calendar (30) days. Respondent may not resume the practice of medicine until  
24 notified in writing by the Board or its designee that he or she may do so.

25 (2) Increase the frequency of biological fluid testing.

26 (3) Refer Respondent for further disciplinary action, such as suspension, revocation, or  
27 other action as determined by the Board or its designee.

28 B. If Respondent commits a minor violation of probation as defined by section

1 1361.52, subdivision (c), of Title 16 of the California Code of Regulations, the Board shall take  
2 one or more of the following actions:

- 3 (1) Issue a cease-practice order;
- 4 (2) Order practice limitations;
- 5 (3) Order or increase supervision of Respondent;
- 6 (4) Order increased documentation;
- 7 (5) Issue a citation and fine, or a warning letter;
- 8 (6) Order Respondent to undergo a clinical diagnostic evaluation to be conducted in  
9 accordance with section 1361.5, subdivision (c)(1), of Title 16 of the California Code of  
10 Regulations, at Respondent's expense;
- 11 (7) Take any other action as determined by the Board or its designee.

12 C. Nothing in this Decision shall be considered a limitation on the Board's authority  
13 to revoke Respondent's probation if he or she has violated any term or condition of probation. If  
14 Respondent violates probation in any respect, the Board, after giving Respondent notice and the  
15 opportunity to be heard, may revoke probation and carry out the disciplinary order that was  
16 stayed. If an Accusation, or Petition to Revoke Probation, or an Interim Suspension Order is filed  
17 against Respondent during probation, the Board shall have continuing jurisdiction until the matter  
18 is final, and the period of probation shall be extended until the matter is final.

19 11. SCOPE OF PRACTICE. Respondent shall submit to the Board or its designee for  
20 approval practice protocols and/or procedures demonstrating that she has taken appropriate steps  
21 to ensure that unlicensed practice does not occur at her place of work and that employees work  
22 only within their scope of practice.

23 12. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the  
24 Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the  
25 Chief Executive Officer at every hospital where privileges or membership are extended to  
26 Respondent, at any other facility where Respondent engages in the practice of medicine,  
27 including all physician and locum tenens registries or other similar agencies, and to the Chief  
28 Executive Officer at every insurance carrier which extends malpractice insurance coverage to

Respondent. Respondent shall submit proof of compliance to the Board or its designee within fifteen (15) calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

13. SUPERVISION OF PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE NURSES. During probation, Respondent is prohibited from supervising physician assistants and advanced practice nurses.

14. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules governing the practice of medicine in California and remain in full compliance with any court ordered criminal probation, payments, and other orders.

15. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board, stating whether there has been compliance with all the conditions of probation.

Respondent shall submit quarterly declarations not later than ten (10) calendar days after the end of the preceding quarter.

16. GENERAL PROBATION REQUIREMENTS.

Compliance with Probation Unit

Respondent shall comply with the Board's probation unit.

Address Changes

Respondent shall, at all times, keep the Board informed of Respondent's business and residence addresses, email address (if available), and telephone number. Changes of such addresses shall be immediately communicated in writing to the Board or its designee. Under no circumstances shall a post office box serve as an address of record, except as allowed by Business and Professions Code section 2021(b).

Place of Practice

Respondent shall not engage in the practice of medicine in Respondent's or patient's place of residence, unless the patient resides in a skilled nursing facility or other similar licensed facility.

1        License Renewal

2        Respondent shall maintain a current and renewed California physician's and surgeon's  
3 license.

4        Travel or Residence Outside California

5        Respondent shall immediately inform the Board or its designee, in writing, of travel to any  
6 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty  
7 (30) calendar days.

8        In the event Respondent should leave the State of California to reside or to practice,  
9 Respondent shall notify the Board or its designee in writing thirty (30) calendar days prior to the  
10 dates of departure and return.

11       17. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be  
12 available in person upon request for interviews either at Respondent's place of business or at the  
13 probation unit office, with or without prior notice throughout the term of probation.

14       18. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or  
15 its designee in writing within fifteen (15) calendar days of any periods of non-practice lasting  
16 more than thirty (30) calendar days and within fifteen (15) calendar days of Respondent's return  
17 to practice. Non-practice is defined as any period of time Respondent is not practicing medicine  
18 as defined in Business and Professions Code sections 2051 and 2052 for at least forty (40) hours  
19 in a calendar month in direct patient care, clinical activity or teaching, or other activity as  
20 approved by the Board. If Respondent resides in California and is considered to be in non-  
21 practice, Respondent shall comply with all terms and conditions of probation. All time spent in  
22 an intensive training program which has been approved by the Board or its designee shall not be  
23 considered non-practice and does not relieve Respondent from complying with all the terms and  
24 conditions of probation. Practicing medicine in another state of the United States or Federal  
25 jurisdiction while on probation with the medical licensing authority of that state or jurisdiction  
26 shall not be considered non-practice. A Board-ordered suspension of practice shall not be  
27 considered as a period of non-practice.

28       In the event Respondent's period of non-practice while on probation exceeds eighteen (18)



1 calendar months, Respondent shall successfully complete the Federation of State Medical Boards'  
2 Special Purpose Examination, or, at the Board's discretion, a clinical competence assessment  
3 program that meets the criteria of Condition 18 of the current version of the Board's "Manual of  
4 Model Disciplinary Orders and Disciplinary Guidelines" prior to resuming the practice of  
5 medicine.

6 Respondent's period of non-practice while on probation shall not exceed two (2) years.

7 Periods of non-practice will not apply to the reduction of the probationary term.

8 Periods of non-practice for a Respondent residing outside of California will relieve  
9 Respondent of the responsibility to comply with the probationary terms and conditions with the  
10 exception of this condition and the following terms and conditions of probation: Obey All Laws;  
11 General Probation Requirements; Quarterly Declarations; Abstain from the Use of Alcohol and/or  
12 Controlled Substances; and Biological Fluid Testing.

13 19. COMPLETION OF PROBATION. Respondent shall comply with all financial  
14 obligations (e.g., restitution, probation costs) not later than one hundred twenty (120) calendar  
15 days prior to the completion of probation. Upon successful completion of probation,  
16 Respondent's certificate shall be fully restored.

17 20. VIOLATION OF PROBATION. Failure to fully comply with any term or condition  
18 of probation is a violation of probation. If Respondent violates probation in any respect, the  
19 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and  
20 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,  
21 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have  
22 continuing jurisdiction until the matter is final, and the period of probation shall be extended until  
23 the matter is final.

24 21. LICENSE SURRENDER. Following the effective date of this Decision, if  
25 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy  
26 the terms and conditions of probation, Respondent may request to surrender his or her license.  
27 The Board reserves the right to evaluate Respondent's request and to exercise its discretion in  
28 determining whether or not to grant the request, or to take any other action deemed appropriate

1 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent  
2 shall within fifteen (15) calendar days deliver Respondent's wallet and wall certificate to the  
3 Board or its designee and Respondent shall no longer practice medicine. Respondent will no  
4 longer be subject to the terms and conditions of probation. If Respondent re-applies for a medical  
5 license, the application shall be treated as a petition for reinstatement of a revoked certificate.

6 22. PROBATION MONITORING COSTS. Respondent shall pay the costs associated  
7 with probation monitoring each and every year of probation, as designated by the Board, which  
8 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of  
9 California and delivered to the Board or its designee no later than January 31 of each calendar  
10 year.

11 23. SCOPE OF PRACTICE. Respondent shall ensure that unlicensed practice does not  
12 occur at her place of work, and that employees work only within their scope of practice.

13 ACCEPTANCE

14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
15 discussed it with my attorney, Adam Glen Sote. I understand the stipulation and the effect it will  
16 have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
17 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
18 Decision and Order of the Medical Board of California.

19  
20 DATED: 5/29/2019

  
FARNAZ FAYE JAMALI, M.D.  
Respondent

21  
22  
23 I have read and fully discussed with Respondent Farnaz Faye Jamali, M.D. the terms and  
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
25 I approve its form and content.

26  
27 DATED: 5/29/2019

  
ADAM GLEN SOTE  
Attorney for Respondent

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Dated: 5/29/2019

XAVIER BECERRA  
Attorney General of California  
MARY CAIN-SIMON  
Supervising Deputy Attorney General

GREG W. CHAMBERS  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 800-2016-023679**

1 XAVIER BECERRA  
Attorney General of California  
2 MARY CAIN-SIMON  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO Jan 2 2019  
BY                      ANALYST

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2016-023679

13 **Farnaz Faye Jamali, M.D.**  
14 **1 Coach Road**  
15 **Mill Valley, CA 94941-4320**

**A C C U S A T I O N**

16 **Physician's and Surgeon's Certificate**  
17 **No. G 81063,**

Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On April 26, 1995, the Medical Board issued Physician's and Surgeon's Certificate  
25 Number G 81063 to Farnaz Faye Jamali, M.D. (Respondent). The Physician's and Surgeon's  
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
27 expire on October 31, 2020, unless renewed.  
28

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Business and Professions Code authorizes the Board to take action against a licensee by revoking, suspending for a period not to exceed one year, placing the license on probation and requiring payment of costs of probation monitoring, or taking such other action taken as the Board deems proper.

5. Section 2234 of the Code states, in part:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter."

6. Section 2239 of the Code states in part:

"(a) The use or prescribing for or administering to himself or herself, of any controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to the licensee, or to any other person or to the public, or to the extent that such use impairs the ability of the licensee to practice medicine safely or more than one misdemeanor or any felony involving the use, consumption, or self-administration of any of the substances referred to in this section, or any combination thereof, constitutes unprofessional conduct. The record of the conviction is conclusive evidence of such unprofessional conduct.

7. Section 820 of the Code provides that whenever it appears that a licensee may be unable to practice his or her profession safely as a result of mental illness or physical illness affecting competency, the licensing agency may order an examination of licensee.

8. Section 822 of the Code provides that, if a licensing agency determines that a licensee's ability to practice his or her profession safely is impaired because of mental or physical illness affecting competency, the licensing agency may take action by revoking the licensee's

1 certificate or license, suspending the licensee's right to practice, placing the licensee on probation,  
2 or taking such other action in relation to the licensee as the licensing agency in its discretion  
3 deems proper.

#### 4 PERTINENT DRUGS

5 9. Demerol, a trade name for meperidine hydrochloride, is a narcotic analgesic, a  
6 dangerous drug as defined in section 4022 and a schedule II controlled substance and narcotic as  
7 defined by section 11055 of the Health and Safety Code. Demerol can produce drug dependence  
8 of the morphine type and therefore has the potential for being abused.

9 10. Versed, a trade name for midazolam hydrochloride, is a short-acting benzodiazepine  
10 central nervous system depressant. It is a dangerous drug as defined in section 4022, a Schedule  
11 IV controlled substance as defined by section 11057 of the Health and Safety Code. Versed is  
12 indicated for preoperative sedation/anxiolysis/amnesia; and as agent for sedation/anxiolysis/  
13 amnesia prior to or during diagnostic, therapeutic, or endoscopic procedures; for induction of  
14 general anesthesia, before administration of other anesthetic agents; for sedation of intubated and  
15 mechanically ventilated patients.

#### 16 FACTS

17 11. Following an incident on May 25, 2016 at The Permanente Medical Group's (TPMG)  
18 San Francisco Medical Center, where Respondent was employed as an anesthesiologist, TPMG  
19 initiated an investigation regarding Respondent's handling of schedule 2 and schedule 4  
20 controlled substances. The investigation was undertaken based on allegations that Respondent  
21 had been intoxicated at work and may have diverted schedule 2 and schedule 4 drugs for her  
22 personal use.

23 12. During the course of the investigation it was learned that the printout from a PYXIS  
24 drug dispensary registered that on May 25, 2016, Respondent withdrew and then wasted  
25 (disposed of) four controlled substances with a witness, M.M., in attendance: three 25 gm. vials  
26 of Demerol and one 5 gm. vial of Versed.

27 13. Upon interview, witness M.M. stated that on the date in question, M.M. witnessed  
28 Respondent waste three medications, not four: one vile of Versed and two viles of Demerol.

1 14. It was further learned that Dr. L.L. spoke with Respondent on the day in question and  
2 noted that Respondent had slurred speech, tremoring hands, and was swaying back and forth a bit.  
3 Another colleague, Dr. C.L. also noted slurred speech.

4 15. It was further noted that on the day in question blood stains were observed on  
5 Respondent's scrubs, and a bloody bandaid was observed on Respondent's wrist.

6 16. On June 14, 2016, before the investigation was concluded, Respondent resigned from  
7 TPMG. On June 15, 2016, TPMG reported to the Board, pursuant to Business and Professions  
8 Code section 805, that Respondent had resigned her employment with TPMG before the  
9 investigation was concluded.

10 17. On May 16, 2018, Respondent signed a Voluntary Agreement for a Mental  
11 Examination by which she agreed to submit to an examination to be conducted by a physician and  
12 surgeon to be selected by a representative of the Medical Board to determine whether her ability  
13 to practice medicine safely was impaired due to a mental illness.

14 18. On July 20, 2018, Respondent underwent a full evaluation by a Board appointed  
15 psychiatrist.

16 19. In a report to the Board dated August 31, 2018, the psychiatrist concluded that  
17 Respondent has a mental illness or condition—a substance use disorder—that can affect her  
18 ability to safely engage in the practice of medicine. The psychiatrist further concluded that  
19 Respondent is not able to practice medicine safely without certain restrictions or conditions.

#### 20 **DISCIPLINARY CONSIDERATIONS**

21 20. To determine the degree of discipline, if any, to be imposed on Respondent,  
22 Complainant alleges that on or about September 9, 2010, in a prior disciplinary action entitled *In*  
23 *the Matter of the Accusation Against Farnaz Faye Jamali, M.D.* before the Medical Board of  
24 California, in Case Number 12-2008-194022, Respondent's license was revoked, the revocation  
25 was stayed, and Respondent was placed on a five year probation with terms and conditions for  
26 diverting schedule 2 controlled substances including Demerol, Dilaudid, and fentanyl and  
27 schedule 4 controlled substance Versed from patients and from the Pyxis medication dispensing  
28



1 machine at the Kaiser Foundation Hospital in San Francisco and for self-administering controlled  
2 substances. That decision is incorporated by reference as if fully set forth herein.

3 **FIRST CAUSE FOR BOARD ACTION**

4 **(Unprofessional Conduct: Dangerous Use of Controlled Substances)**

5 21. Respondent's certificate is subject to Board action pursuant to Sections 2234  
6 (unprofessional conduct) and 2239 (dangerous use of controlled substances) of the Code, in that  
7 while she was on duty as an anesthesiologist, Respondent took controlled substances not  
8 prescribed to her, but intended for patient use and administered those controlled substances to  
9 herself in a manner dangerous to herself and/or others.

10 **SECOND CAUSE FOR BOARD ACTION**

11 **(Mental Impairment)**

12 22. Respondent's certificate is subject to Board action pursuant to Sections 822 and 2227  
13 of the Code, in that due to a mental illness, her ability to practice medicine safely is impaired.

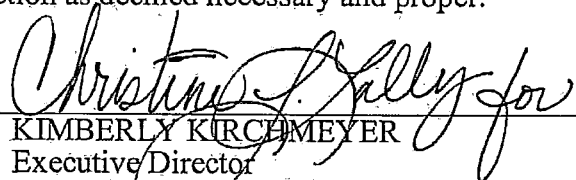
14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Medical Board of California issue a decision:

- 17 1. Revoking or suspending Respondent's Physician's and Surgeon's Certificate Number  
18 G 81063;
- 19 2. Revoking, suspending or denying approval of Respondent's authority to supervise  
20 physician assistants and advanced practice nurses;
- 21 3. Ordering Respondent, if placed on probation, to pay the Board the costs of probation  
22 monitoring; and
- 23 4. Taking such other and further action as deemed necessary and proper.

24 DATED:

25 January 2, 2019

26   
27 KIMBERLY KIRCHMEYER  
28 Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant